



Montgomery County's Carryout Bag Law: The Basics for Restaurants

Definition of Restaurant

- Restaurant in Montgomery County means *"any lunchroom, cafe or other establishment located in a permanent building for the accommodation of the public, equipped with a kitchen containing facilities and utensils for preparing and serving meals to the public, and outfitted with a public dining area."*
- A restaurant does not include any area of a supermarket, department store, or other retail establishment beyond the kitchen and public dining area.
- A restaurant does not include convenience stores, delis, and mini-marts unless they have an eat-in area with tables. (An establishment with raised tables with or without seating where people may stand and eat also counts as a restaurant.)

Special exemptions from the bag law that apply to restaurants

- Restaurants need not charge customers for *paper* carryout bags for prepared food. If plastic bags are provided, the restaurant must charge the customer 5 cents per bag. If the paper bag used to carry out prepared food items from a restaurant also contains non-prepared food items (e.g., bag of chips, chocolate bar(s)), the bag is exempt from the law, and restaurants need not charge for these paper bags.
- Bags provided by an establishment that does not have a dining area (e.g., a deli or a pizza shop) are not exempt from the bag law, and customers must be charged 5 cents per bag.

Plastic bags used by restaurants that are subject to the bag law (@ 5 cents per bag):

- Any plastic bag that is used to carry prepared foods
- Any plastic bag or thin, plastic bag sleeve given out at the establishment's checkout counter to carry a wrapped food item or food items (such as a sandwich wrapped in wax paper, a plastic tub of soup, a styrofoam clamshell for prepared foods at a lunch deli, etc.).
- A plastic bag that is used to carry multiple unprepared and/or prepared food items simultaneously

Plastic bags used by restaurants that are exempt from the bag law:

- Plastic ziplock bags used by establishments to package prepared foods, typically in the kitchen area, are not considered carryout bags and are exempt from the law.

Are paper bags used in liquor stores to carry out bottles exempt from the bag law?

- No. The paper bags given out at check-out counters to carry out bottles are subject to the law and must be charged at 5 cents per bag.

For more information visit montgomerycountymd.gov/bag or call 311